

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

KATHLEEN ESPINOSA, et al.,  
Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,  
Defendants.

) Case No.: C06-04686 JSW

) **PLAINTIFFS' MOTION IN LIMINE NO.**  
) **1 TO EXCLUDE TESTIMONY OF**  
) **DEFENSE EXPERT WITNESS, EMILY A.**  
) **KERAM, M.D., REFERENCES TO**  
) **"SUICIDE BY COP" AND PRIOR BAD**  
) **ACTS EVIDENCE**

) Trial Date: December 2, 2013

) Trial: 8:00 a.m.

) Pretrial Conf.: April 1, 2013

) Time: 2:00 p.m.

) Courtroom 11, 19<sup>th</sup> Floor

) The Honorable Jeffrey S. White

**EXHIBIT 2**

## **EXHIBIT A**

**TO**

**DECLARATION OF EMILY A. KERAM, M.D. IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE #2:  
MOTION TO EXCLUDE SUICIDE BY COP AND TESTIMONY  
OF DR. EMILY KERAM**

EMILY A. KERAM, M.D.  
850 SECOND STREET, SUITE D  
SANTA ROSA, CA 95404  
TELEPHONE: (707) 525-0800

March 29, 2007

Scott Wiener  
Deputy City Attorney -  
City and County of San Francisco  
1390 Market Street, 6<sup>th</sup> Floor  
San Francisco, CA 94102

*Re: Boyd v. City and County of San Francisco, et al.*  
*U.S. District Court Case No. C04-5459*

Dear Mr. Wiener:

At your request, I have reviewed the documents, videotapes, and other materials provided to me in the above-referenced matter. The following report contains my evaluation and opinions in this matter. I reserve the right to modify or change my opinions should additional material become available in the future.

**Reason for Referral**

This matter was referred to me for evaluation and opinion regarding the following issues:

1. Mr. Boyd's psychiatric diagnosis on the evening of May 5, 2004
2. Analysis of whether Mr. Boyd's behavior in the days preceding, and on the evening of May 5, 2004 were consistent with those of decedents involved in Suicide by Cop (SBC) incidents

**Collateral Information**

Collateral information was obtained from the San Francisco City Attorney's Office and included the following:

**San Francisco Police Department Records Regarding Mr. Boyd**

1. Officer Involved Shooting Report, Case Number 040 510 902, O.I.S. 04-05, Investigation by Inspector James Spillane #484 and Inspector Thomas Cleary #721, Investigations Bureau-Homicide Detail, San Francisco Police Department.
2. Officer Involved Shooting Report supporting documents, San Francisco Police Department, including the following:
  - a. Traffic Collision Report, California Highway Patrol, Number 4 200, April 20, 1993

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- b. Incident Report number 931741771, San Francisco Police Department, date of incident November 19th 1993, relating to Mr. Boyd's charge of possession of a loaded sawed off shotgun
- c. Incident Report number 991305674, San Francisco Police Department, date of the incident October 25, 1999, relating to a semiautomatic pistol recovered from under the driver's seat of a stolen vehicle
- d. Incident Report number 030-466-234, San Francisco Police Department, date of incident April 21, 2003, relating to Mr. Boyd's arrest for robbery in a street or public place with a gun, and possession of a firearm by a prohibited person
- e. Crime Report, RD number 04-40179, Oakland Police Department, date of incident May 2, 2004
- f. Computer-Aided Dispatch Tape, File Number 041651, Re: Mr. Boyd v CCSF, May 6, 2004
- g. Incident Reports
- h. Chronological of Investigation
- i. Unit History Details for involved police vehicles
- j. Handwritten notes and transcripts of witness interviews
- k. Incident Name History, San Francisco Police Department
- l. Defendant status and San Francisco Police Department Person, Incident, and Field Interview Report
- m. Records related to *Smallwood v Bertek Pharmaceutical*, San Mateo County Superior Court, Case Number CIV420769
- n. Color photographs
- o. City and County of San Francisco Medical Examiner/Investigator's Report, Case Number 2004-0544
- p. Report of Laboratory Examination-Amended Report-2

**Jail and Prison Medical Records**

- 1. San Francisco County Jail
- 2. California Department of Corrections
- 3. Santa Rita County Jail

**Depositions**

**Law Enforcement Witnesses**

- 1. Officer Timothy Paine, San Francisco Police Department, February 8, 2006 and August 14, 2006
- 2. Officer James O'Malley, San Francisco Police Department, August 14, 2006
- 3. Officer William Elieff, San Francisco Police Department, August 15, 2006
- 4. Officer Steven Stearns, San Francisco Police Department August 17, 2006
- 5. Officer Greg Kane, San Francisco Police Department, August 17, 2006
- 6. Officer Scott Warnke, San Francisco Police Department, November 9, 2006



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**Citizen Witnesses**

1. Tiffany Williams, January 19, 2006
2. Synell Wilson, January 30, 2006
3. Carlyce Ingram, February 13, 2006
4. Vitaliy Khalafyan, March 1, 2006
5. Natasha Gatto, April 14, 2006
6. De'Aries Jefferson, June 27, 2006
7. Tatanika Hogan, June 28, 2006
8. Mario Lonza Rogers Sr., December 1, 2006
9. Michelle Cranshaw, December 12, 2006
10. Joe Campos, February 2, 2007
11. Betrice Yvonne Jackson, February 14, 2007
12. Otis Harris Jr., February 28, 2007

**San Francisco Police Department OIS Investigation**

1. Inspector James Spillane, San Francisco Police Department, December 14, 2006 and February 26, 2007
2. Inspector Thomas Cleary, San Francisco Police Department, February 2, 2007
3. Inspector Ronan Shouldice, San Francisco Police Department, February 26, 2007
4. Jon Smith, M.D., Assistant Medical Examiner, City and County of San Francisco, November 9, 2006
5. Sandra Sachs, Ph.D., Assistant Forensic Toxicologist, San Francisco Medical Examiner's Office, February 27, 2007
6. Steven J. Dowell, Criminalist, Los Angeles County Department of Coroner, January 11, 2007

**Relatives and Girlfriend of Mr. Boyd**

1. Marylon Boyd (mother), August 16, 2006
2. Lois Boyd (aunt), November 14, 2006
3. Ranett Boyd (cousin), January 8, 2007
4. Kamilah Boyd (ex-wife), August 3, 2006
5. Isela Gonzalez (girlfriend), August 3, 2006

**Other Depositions**

1. Silvia Comparini, M.D., forensic pathologist, January 12, 2007

**Other Collateral Information**

1. Supplemental Trajectory Analysis, January 31, 2005
2. Report of John Mendelsohn M. D., November 29, 2006
3. Report of Anthony J. Brass, Attorney at Law, February 14, 2007
4. Report of Alexander Jason, Certified Senior Crime Scene Analyst, March 29, 2007

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5. Declaration of Cammerin K. Boyd In Support of Motion to Allow My Release on Home Detention, January 5, 1995

**Law Enforcement General Orders and Training Materials**

1. San Francisco Police Department General Order 5.01, Use of Force, Revised October 4, 1995
2. San Francisco Police Department General Order 5.02, Use of Firearms, Revised November 1, 1995
3. San Francisco Law Enforcement Regional Training Center Basic Course, Arrest and Control Manual
4. California Commission on Peace Officer Standards and Training, Basic Course Workbook Series, Student Materials, Use of Force, Learning Domain 20

**Videotapes**

1. TV News Tapes 1 and 2, May 5 and 6, 2004
2. 600 Block of Larch, May 5, 2004
3. OIS Homicide Detail, May 14, 2004

**Audio File**

1. Recording of phone conversation

**Powerpoint Presentation**

1. Boyd v CCSF, Homicide PowerPoint presentation, March 9, 2005

**Opinions and Bases**

The following are my opinions in this matter, to a reasonable degree of medical certainty.

**Mr. Boyd's psychiatric diagnosis on the evening of May 5, 2004**

It is my opinion that, in accordance with the Diagnostic and Statistical Manual of the American Psychiatric Association, fourth edition, Text Revision, Mr. Boyd's psychiatric diagnosis on the evening of May 5, 2004 was as follows:

- |           |   |
|-----------|---|
| Axis I:   | Methylenedioxymphetamine (MDA), methamphetamine, and marijuana intoxication |
|           | Rule-out Substance-induced psychotic disorder, with paranoid delusions      |
| Axis II:  | Rule-out Antisocial personality disorder                                    |
| Axis III: | Bilateral below the knee amputations  |

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- Axis IV: Psychosocial stressors: These cannot be fully assessed due to the lack of comprehensive knowledge regarding Mr. Boyd's psychosocial status at the time of his death. However, he had criminal charges pending (including two counts of assault with a firearm and felon in possession of a firearm) that had the potential of leading to a lengthy prison sentence. [Brass report, pages 2-4]]
- Axis V: Global Assessment of Functioning (GAF) cannot be determined due to lack of information.

MDA, methamphetamine and marijuana or their metabolites were present in Mr. Boyd's blood and urine on autopsy. [Bates Stamp 00660] Mr. Boyd's behavior on the evening of May 5, 2004 was consistent with recent ingestion of these substances and was maladaptive. Other than Mr. Boyd's bilateral below the knee amputations, he was in apparent good health, and did not have a medical condition that could have caused his behavioral disturbance.

Dr. Mendelsohn noted that the amphetamine present in Mr. Boyd's urine was produced by catabolism of methamphetamine. He suspects that Mr. Boyd ingested methamphetamine as a contaminant of MDA. Dr. Mendelsohn indicated that it is difficult to determine the time at which Mr. Boyd ingested the substances. The urine and blood levels suggest that Mr. Boyd consumed the drugs within 48 hours of his death. His behavior is consistent with acute intoxication with MDA, with ingestion within six hours of his death. [Mendelsohn report, page 2]

Acute adverse effects of MDA intoxication can include severe disorientation, anxiety, depression, thought disorder, paranoia, and depersonalization. These effects usually last several hours and rarely require treatment. Severe acute behavioral toxicity may present with bizarre self-destructive behavior. Dr. Mendelsohn indicated that Mr. Boyd's abuse of marijuana may have worsened the anxiety and behavioral dyscontrol associated with MDA. [Mendelsohn report, page 3]

Although abuse of MDA, methamphetamine, and marijuana is generally associated with reversible psychoactive effects, ingestion of any of them may give rise to a longer lasting or even permanent psychosis. For some individuals, abuse of these substances may lead to chronic paranoid delusions, even with eventual abstinence from these substances, or in periods between active substance use. These chronic delusions are thought to be secondary to permanent changes in brain biochemistry caused by substance abuse.

Mr. Boyd told several individuals that members of the San Francisco Police Department wanted to kill him. [Marylon Boyd deposition, pages 134-135, lines 13-17, Bates Stamp 00239] On the evening of May 5, 2005 Mr. Boyd told Marylon and Lois Boyd that he had spoken with someone who told him that San Francisco Police officers were looking for him and wanted to kill him. [Marylon Boyd deposition, page 132, lines 10- 22; Lois Boyd deposition, page 48, lines 7-9] On Larch Way, Mr. Boyd made statements to



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citizens that the police were going to kill him. [Roger's deposition, pages 17-18, lines 22-12; Jackson deposition, page 24, lines 18-19 and pages 34-35, lines 23-3; Harris deposition, pages 22-23, lines 25-9]

Possible explanations for Mr. Boyd's statements that members of the San Francisco Police Department wanted to kill him include that based on his life experiences and beliefs about law enforcement attitudes toward African-Americans, Mr. Boyd developed the conviction that the police wanted to kill him. Alternatively his belief may have been delusional, caused by a permanent change in brain biochemistry due to his history of substance abuse or acute effects of substance abuse. It is also possible that Mr. Boyd may not, in fact, have truly believed these statements, but may have had some reason for making them. This will be discussed in greater detail below. It is not possible to determine with certainty which of these possibilities is the underlying cause of Mr. Boyd's statements that the members of the San Francisco Police Department wanted to kill him. Thus, I have indicated a diagnosis of Rule-out Substance-induced Psychotic Disorder, with paranoid delusions, as Mr. Boyd's statements may be the product of delusional thinking.

Finally, although Mr. Boyd certainly has some of the diagnostic criteria of Antisocial Personality Disorder, a definitive diagnosis cannot be made without obtaining additional history.

**Evaluation and Opinion of whether Mr. Boyd's behavior in the days preceding, and on the evening of May 5, 2004 were consistent with those of decedents involved in Suicide by Cop (SBC) incidents**

It is my opinion that Mr. Boyd's statements and behavior in the days preceding and on the evening of May 5, 2004 were consistent with those of decedents involved in SBC incidents.

Precipitators of SBC incidents choose this as their method of suicide for a variety of reasons. These include, but are not limited to, religious proscription against suicide, belief that law enforcement officers will "get the job done," desire to cause psychological harm to law enforcement officers, desire to "go out in a blaze of glory," and the possibility that loved ones may prevail in subsequent civil litigation. There are also cases of precipitators of SBC choosing this as their method of suicide secondary to delusional beliefs.

Precipitators of SBC may be categorized by the timing of the development of their suicidal intent in relation to the development of their SBC plan. Through my research in SBC and my clinical practice I have identified the following categories of precipitators of SBC:

1. Precipitators who are not imminently suicidal and have no SBC plan, but who come into contact with law enforcement unexpectedly and with unacceptable consequences. For example, a second striker who comes to law enforcement



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attention during the commission of a third strike offense, and instigates an SBC spontaneously, because the possibility of a lengthy sentence or life imprisonment is unacceptable to them.

2. Precipitators who are actively suicidal, unintentionally come to law enforcement attention, and who develop an SBC plan on contact with law enforcement. For example, a suicide-in-progress that is interrupted by the police. The person may decide to precipitate an SBC knowing that if they present a serious enough threat, the police will kill them.
3. Precipitators who are actively suicidal and who have actively planned an SBC. For example, a suicidal person who fears that they will not be able to go through with it, whose religious belief prohibits suicide, or who want to create the potential for loved ones to prevail in subsequent civil litigation.

Individual precipitators of this third category, "pre-meditated" SBC, exhibit similar behaviors. Through my research in SBC and in my clinical practice, I have learned that some precipitators of SBC "practice" for the event. Practicing consists of a precipitator causing themselves to come into contact with law enforcement and engaging in some of the behaviors they will later exhibit during the actual SBC event. Practicing gives the precipitator the opportunity to expose themselves to anxiety-provoking situations and extinguish their anxiety. It also allows them to learn about police policy and procedures, thereby providing an opportunity to refine their SBC plan in order to maximize their chance of success.

Precipitators of pre-meditated SBC share the problem of determining how they will initiate their contact with law enforcement officers. Early researchers in SBC described behaviors designed to force law enforcement contact as "outrageous acts." However, not all precipitators' actions are truly outrageous. I prefer the term, "abnormally abnormal" behavior. It is abnormal to rob a convenience store. It is "abnormally abnormal" to then wait outside for the police to arrive. It is abnormal to be involved in a law enforcement pursuit. It is "abnormally abnormal" to conduct the pursuit in a manner that is unlikely to lead to successful escape. "Abnormally abnormal" behaviors are designed to bring the precipitator to law enforcement attention and to maintain that attention. Thus, precipitators of SBC are likely to exhibit behaviors that may seem inexplicable to law enforcement officers, who are used to a suspect having the desire to escape from or evade the police.

Finally, individual precipitators of SBC may exhibit similar behaviors in the final moments of their separate SBC event, as they present increasingly dangerous levels of threat to police. Law enforcement officers have a variety of use of force options available to them and are trained to use lethal force only when they perceive an immediate and credible threat to their lives or the lives of citizens. Precipitators may be unfamiliar with behaviors they must exhibit in order to precipitate the use of lethal force by law enforcement personnel. Thus, it is not uncommon for precipitators to evidence an escalation in the level of threat they present to law enforcement, as they attempt to appear

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increasingly dangerous. For example, a precipitator may first be non-compliant with law enforcement commands or tell officers to shoot them, and then engage in an action designed to give the impression that they are armed, or that they are reaching for a weapon. A precipitator's action that is not successful in eliciting the use of lethal force by law enforcement may be followed by an action designed to "up the ante." Precipitators may even engage in the use of lethal force themselves. In one SBC study, three of eleven precipitators of SBC shot police officers.

In the days preceding, and on May 5, 2005, Mr. Boyd engaged in behavior consistent with "practicing" for an SBC event, "abnormally abnormal" behavior in bringing himself to law enforcement attention, and, at the final incident, escalating the level of apparent threat he presented to law enforcement personnel.

Mr. Boyd's contact with Oakland Police Department on May 2, 2004 is consistent with "practicing" behavior. [Bates Stamp 00224-51] He also engaged in "abnormally abnormal" behavior in the manner in which he brought himself to law enforcement attention and maintained that attention. At approximately 2 p.m. on that date, Oakland police officers observed Mr. Boyd driving a black Mercedes on International Boulevard in Oakland. Mr. Boyd was estimated to be traveling between 75 to 80 mph. Officers initiated a pursuit that was terminated because of high speeds and the amount of vehicle and pedestrian traffic in the area. Approximately 20 to 30 minutes later the Mercedes was observed in a parking lot nearby. Mr. Boyd had not left the area, indicating that he did not want to evade the police. A second pursuit ensued but was again canceled due to the high speeds involved. Mr. Boyd was again observed in nearby. He had continued to remain in the area. Uniformed officers moved toward the Mercedes. Mr. Boyd began to yell through the open driver side window, "Fuck you. Just shoot me. Fuck you." After Mr. Boyd finally stopped the car he got out and placed himself on the ground. [Bates Stamp 00231, 00236, 00241, 00247] He was placed into handcuffs. As the officer began to cuff him, Mr. Boyd began to yell, "They're trying to kill me!" [Bates Stamp 00231] This is behavior that he exhibited on May 5, 2004 again indicating the possibility that he was "practicing" for an SBC event. Mr. Boyd was eventually taken into custody. His mother bailed him out the next morning. Later that morning (May 3, 2004) and again that afternoon Mr. Boyd was observed to be driving around the Oakland Police Administration Building, indicating yet again that he did not leave the area. [Bates Stamp 00218] He did not initiate law enforcement contact on that date.

Mr. Boyd's behavior on the evening of May 5, 2004 was also consistent with precipitators of SBC incidents, in that he again exhibited "abnormally abnormal" behavior in coming in contact with law enforcement personnel. Sometime between 6 p.m. and 7:30 p.m. Mr. Boyd told his mother and aunt that he had been told that San Francisco police were looking for him and wanted to shoot him. [Marylon Boyd deposition, page 132, lines 10-22; Lois Boyd deposition, page 48, lines 7-9] Shortly thereafter Tiffany Williams observed a subject matching Mr. Boyd's description, driving a vehicle similar to the SUV, doing a "doughnut" at the intersection of Ellis and Jones, near in the Tenderloin police station. This behavior did not bring the subject to law enforcement attention. The subject motioned to Ms. Williams. Ms. Williams approached



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the car and opened the door. The subject grabbed her "real quick" and Ms. Williams jumped back and slammed the car door. The subject appeared intoxicated and angry. Ms. Williams ran away from him on the sidewalk, against traffic. The subject followed Ms. Williams in his vehicle and brandished a weapon at her. This behavior also did not bring the subject to law enforcement attention. [Transcript of Williams interview]

Shortly after that incident, and near where it took place, Mr. Boyd brandished a weapon at Tatanika Hogan on Eddy. After she drove away from him he did not attempt to leave the area. He made a U-turn and followed her car. Ms. Hogan observed a police car on Webster and turned there. Mr. Boyd initially appeared to follow her, but then continued straight. Ms. Hogan told officers Robinson and Mason that a subject in a black Blazer had threatened her with a gun. The officers put out a description of Mr. Boyd and the vehicle. After Officer Elieff initiated a pursuit, Mr. Boyd again did not try to leave the area, instead returning to the same street on which Ms. Hogan had contacted police officers. [Bates Stamp 00430-33, 00438, and 00477-78] Mr. Boyd fled from Officer Elieff before Elieff activated his lights and sirens. During the pursuit Mr. Boyd engaged in extremely dangerous behavior, firing his weapon at officers while driving at high speed. [Transcript of Gatto and Alfaro interviews, Bates Stamp 00424, and 00472-76]

Mr. Boyd's behavior in coming to law enforcement attention is consistent with the escalating behavior of decedents in SBC incidents. Assuming that Mr. Boyd was the subject near the Tenderloin police station who "spun a donut" attempted to grab Ms. Williams, and brandished a weapon at her, he then followed this by escalating his behavior. Mr. Boyd next brandished a weapon at Ms. Hogan and remained driving in the area where Ms. Hogan contacted police officers, returning to the street on which she had made police contact. This is consistent with the manner in which precipitators of SBC incidents who, if they are initially unsuccessful in their attempt to draw law enforcement attention, escalate their behavior to increase the chance that more serious and overt action will bring them into contact with police. Mr. Boyd's subsequent behavior in firing his weapon during the pursuit made officers aware that Mr. Boyd was armed with a loaded and functioning weapon, which he would fire at them. This created law enforcement awareness of the potential for Mr. Boyd to use lethal force again.

Finally, Mr. Boyd's behavior after he drove to Larch Way was also consistent with precipitators of SBC. Assuming the officers' and Mr. Campo's accounts are correct the following behaviors ensued. Mr. Boyd initially stopped his vehicle. When Officer O'Malley yelled at him to put his hands up, Mr. Boyd drove toward Officer O'Malley, again creating the perception of imminent dangerousness. Officer O'Malley and other officers fired at Mr. Boyd but did not strike him. Mr. Boyd stopped his car and exited the vehicle, but remained non-compliant with law enforcement commands to keep his hands in view and to get on the ground. Mr. Boyd turned toward the car and started to reach inside. Officers did not respond with force, continuing to give verbal commands. Mr. Boyd at one point did raise his hands. Officers again refrained from using lethal force. Mr. Boyd then turned toward the car again and appeared to reach under the driver's seat. At that point lethal force was used against him. [Transcript of interviews with Paine, O'Malley, Warnke, and Elieff; Bates Stamp 00357-87]



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In considering whether Mr. Boyd's actions in the days prior to, and on May 5, 2004 were consistent with decedents in SBC incidents, I evaluated Mr. Boyd's risk factors for suicide. I identified two known factors consistent with SBC scenarios; the fact that Mr. Boyd was facing a potentially long prison sentence, and the fact that his actions were consistent with creating the potential for a loved one to prevail in subsequent civil litigation.

As noted above, Mr. Boyd's pending legal charges had the potential to result in a lengthy prison sentence. [Brass report] This is a risk factor for suicide in precipitators of SBC. There is abundant evidence that Mr. Boyd's time spent in jail and prison was extremely difficult for him. There are a multitude of examples of Mr. Boyd being treated for stump breakdown and peri-anal pressure sores and fistulas. Mr. Boyd told an ER physician who recommended that he stay off of his prosthesis until his left stump could heal, that he "continued to use the prosthesis on a daily basis in order to stay in a safe position, in which he may have to defend himself against fighting or getting away from fights of other people." [Bates Stamp 000272] Mr. Boyd was consistently assigned a lower bunk on a bottom tier [Bates Stamp 000029, 000194] the least desirable location in any prison due to the lack of light and air. Mr. Boyd himself wrote about his difficulty during incarceration as a bilateral amputee. [Boyd declaration]

Mr. Boyd's actions on the evening of May 5, 2004 were consistent with decedents of SBC who desire to create the potential for a loved one to prevail in subsequent civil litigation. The concern that he may have wanted to do so stems from the following information. Mr. Boyd had been represented by his mother, Marylon Boyd in previous civil litigation he filed against law enforcement agencies. One of these lawsuits related to the incident that resulted in Mr. Boyd's legs being amputated below the knees. Another related to conditions present during his incarceration. [Marylon Boyd deposition, page 65-68, lines 1-23] Kathleen Rand Reed indicated that at the end of 2003, Ms. Boyd's finances were in jeopardy as a result of a lawsuit she had taken on. Her ability to keep her law office was at risk because of the case. On December 22, 2003 Ms. Reed observed Ms. Boyd with a gun, which Ms. Boyd identified as belonging to her son. Ms. Boyd acknowledged to Ms. Reed that Boyd was depressed and that she had worried about whether Mr. Boyd might engage in an SBC. [Bates Stamp 00801-02 and 00805-06]. Lois Boyd eventually stopped working for Ms. Boyd because Ms. Boyd could no longer afford to pay her. [Lois Boyd deposition, page 17, line 6] On May 3, 2004 Mr. Boyd and his mother attempted to find and interview witnesses to his incident May 2, 2004 incident with Oakland Police Department officers. [Marylon Boyd deposition, pages 65, lines 1-23 and pages 127-28, lines 23-24]

Evidence that Mr. Boyd's behavior on the evening of May 5, 2004 were consistent with a pre-meditated SBC designed to create the potential for a civil lawsuit is as follows. On May 5, 2004, Mr. Boyd told his mother and aunt that a person with whom he had just spoken by telephone had told him that San Francisco police officers were looking for him and wanted to kill him. [Marylon Boyd deposition, page 132, lines 10- 22; Lois Boyd deposition, page 48, lines 7-9] This created in his mother and aunt such a fear that San

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San Francisco Police officers were imminently planning to kill Mr. Boyd that they began to plan for him to leave San Francisco that evening. Mr. Boyd then left Marylon Boyd's office to take his things out of the rented SUV but did not return. [Lois Boyd deposition, page 49, lines 6-11 and pages 50-51, lines 25-16] His subsequent behavior of "spinning doughnuts", grabbing at Ms. Williams, brandishing a weapon at her (all while near the Tenderloin police station), and later brandishing a weapon at Ms. Hogan is consistent with persistent attempts to draw law enforcement attention. His staying in the same area, and even driving back to the street on which Ms. Hogan contacted the police are consistent with attempts to ensure he would attract and maintain the attention of the police.

As noted above, by brandishing a weapon at Ms. Williams and Ms. Hogan, Mr. Boyd initiated the pursuit in a manner that allowed law enforcement to know that he was armed. He fired the weapon during the pursuit, ensuring that police would know his weapon was loaded and functioning. Mr. Boyd chose to drive to an area where witnesses would be hostile to law enforcement. Once on Larch Way he made statements to civilian witnesses that law enforcement officers intended to kill him. [Rogers deposition, pages 17-18, lines 22-12, Jackson deposition, page 24, lines 18-19, Harris deposition, page 22-23, lines 25-9] When Mr. Boyd put his hands in the air, civilian witnesses were left with the impression that he was surrendering to police.

In assessing explanations for Mr. Boyd's behavior on the evening of May 5, 2004, I considered factors other than SBC. As noted in the diagnosis section above, it is possible that Mr. Boyd was suffering a paranoid delusion that law enforcement officers wanted to kill him, and that his behavior on the evening of his death was influenced by this delusion. However, this explanation does not account for his behavior in "spinning donuts," near the Tenderloin police station, grabbing at Ms. Williams, and brandishing a weapon at both Ms. Williams and Ms. Hogan. These behaviors are better accounted for by Mr. Boyd attempting to come to law enforcement attention to enact an SBC. Thus Mr. Boyd's behavior on the evening of May 5, 2004 is most consistent with precipitators of Suicide by Cop.

Thank you for referring this matter to me for evaluation and report.

Sincerely,



Emily A. Keram, M.D.

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**Appendix 2**

**Fee schedule of Emily A. Keram, M. D.**

I charge \$400 an hour for all activities related to medical legal evaluations.



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**Appendix 3**

**Rule 26**

**Deposition and Trial Testimony of Emily A. Keram M. D.**

**DEPOSITION TESTIMONY**

**2003**

Jung v. Jung

**2004**

DeBoer v. City of Olympia, et al.

**2005**

Drypen, et al v. County of Oakland, et al

Flanary v. City of Kelso, et al.

Franks v Costco, et al.

**TRIAL TESTIMONY**

**2003**

U.S. v. Herrera

**2005**

Flanary v. City of Kelso, et al.

**CURRICULUM VITAE**

Prepared: 11/3/05

**Name:** Emily A. Kerum, M.D.

**Academic Title:** Assistant Clinical Professor of Psychiatry  
Psychiatry and the Law Program  
University of California San Francisco

**Practice Address:** 850 Second Street, Ste. B  
Santa Rosa, CA 95404

**Phone:** (707) 525-0800

**Fax:** (707) 523-7063

**EDUCATION:**

Date	Institution Attended & Location	Degree or Status	Major Subjects
1978-1981	Duke University, Durham, NC	1981, B.S., magna cum laude	Zoology
1984-1988	University of North Carolina Chapel Hill, School of Medicine	1988, M.D.	Medicine
1988-1992	University of North Carolina Hospitals, Chapel Hill, North Carolina	Intern & Resident	Psychiatry
1991-1992	U.S. Department of Justice, FCI-Butner, Butner, North Carolina	Fellowship	Forensic Psychiatry

**LICENSES, CERTIFICATIONS:**

1990	Medical License, North Carolina 39185 (inactive)
1991	Medical License, California A49929 (active)
1994	Diplomate, American Board of Psychiatry & Neurology (field: psychiatry)
1998	Diplomate, American Board of Psychiatry & Neurology, sub-specialty certification in Forensic Psychiatry

**EMPLOYMENT:**

1992-1996	Director, Consultation-Liaison Psychiatry Sonoma County Community Hospital, Santa Rosa, California
1992-1996 2003-present	Clinical Psychiatry Private Practice Santa Rosa, California
1992-2000 2003-present	Forensic Psychiatry Private Practice Santa Rosa, California
1996-2000	Clinical Chief Santa Rosa VA Mental Health Clinic Santa Rosa, California
2000-present	Assistant Clinical Professor of Psychiatry Psychiatry and the Law Program University of California, San Francisco

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2004-present      Staff Physician  
Santa Rosa VA Mental Health Clinic  
Santa Rosa, California

#### **CORRECTIONAL EXPERIENCE:**

1990-1992	North Carolina Correctional Center for Women	Staff Psychiatrist to General Population and Death Row
1991	North Carolina Department of Corrections	Staff Psychiatrist to General Population in Juvenile Facility

#### **MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS:**

1985-2002	American Medical Association
1986-present	American Psychiatric Association
1986-1992	North Carolina Psychiatric Society
1991-present	American Academy of Psychiatry and the Law
1991-2003	American Psychosomatic Society
1992-1997	Sonoma County Medical Association
1992-1997	California Medical Association
1992-present	Northern California Psychiatric Society

#### **PROFESSIONAL ORGANIZATION ACTIVITIES:**

1992-1995	Sonoma County Medical Association	Physician Well-Being Committee
1992-1995	Sonoma County Medical Association	Women in Medicine Committee
1993-1995	Sonoma County Medical Association	Mentor, High School Students
		Planning to Pursue Medicine
1995-1997	Sonoma County Medical Association	Professional Standards and Conduct Committee
		Private Practice Committee
1993-1999	American Academy of Psychiatry and the Law	Founder and Chair, Early Career Development Committee
1994-1998	American Academy of Psychiatry and the Law	Councilor
1996-1999	American Academy of Psychiatry and the Law	Program Committee
1997-present	American Academy of Psychiatry and the Law	Chair of Membership Committee
1998-2001	American Academy of Psychiatry and the Law	Judicial Action Committee
2000-present	California Psychiatric Association	Law Enforcement Liaison Committee
2000-present	American Academy of Psychiatry and the Law	Secretary
2000-2002	American Academy of Psychiatry and the Law	Chair of Annual Meeting Program Committee
1998-present	American Academy of Psychiatry and the Law	Membership Committee
2005-present	American Academy of Psychiatry and the Law	Chair, Law Enforcement Liaison Committee

#### **OTHER PROFESSIONAL ACTIVITIES, AWARDS, AND PROFESSIONAL COMPETENCE:**

Executive Council of American Academy of Psychiatry and the Law: 1996-1999, 2000-2002  
Practice Guidelines for Insanity Defense Evaluations Task Force, American Academy of Psychiatry and the Law: 1999-2002  
Presidential Appointee to Committee for Recertification in Forensic Psychiatry, American Board of Psychiatry and Neurology: 2000-2002



2004	"The Death Penalty and the Mentally III" Forensic Mental Health Association of California
2003	"The History of the Insanity Defense" Sleeping in Conference (Law Enforcement and Mental Health Professionals)
2002	"Mental Illness on Trial: Insanity Defense Evaluations in the Post-Hinkley Era" Forensic Mental Health Association of California
2001	"Workplace Violence Risk Assessment and Management" City of Santa Rosa, California
2001	Risk Management and City Attorney's Offices "Suicide by Cop"
2001	Forensic Mental Health Association of California Course: "Forensic Psychiatry Practice Opportunities for the Clinician"
1998	Northern California Psychiatric Society Workshop: "Anxiety/Depression Update"
1994	California Academy of Family Physicians Annual Meeting "Trauma Defense Evaluations"
1994	Sonoma County Medical Association, Senior Physicians Committee "The Real Fiftieth Hour: When Fifteen Minutes Feels Like Sixty"
1993	Sonoma County Academy of Family Physicians
<b>REGIONAL:</b>	
2005	Panel Chair and Organizer, "Honor Bound at Guantanamo Bay" Investigations
2004	Debate Participant, "Resolved: Psychiatrists Should Not Assist with Police Research in Progress, "Evaluating Suspected Cases of Suicide by Cop"
2003	Panel Presenter, "Consultation to Law Enforcement: Ethical Concerns"
2002	Panel Presenter, "Law Enforcement Liaison: Models of Cooperation"
2001	Panel Chair and Organizer, "Mental Health Training for Law Enforcement" the Task Force"
2000	Panel Presenter, "Draft AAPL Practice Guidelines for NGRI Evaluations-Presentation of U.S."
2000	Panel Chair and Organizer, "Suicide by Cop: Incident Management in Canada and the U.S."
1999	Panel Chair and Organizer, "Suicide by Cop" Focus on the FBI's EAP Program"
1998	Outside the Box, "Presented: Consultation to Law Enforcement Agencies" Panel Chair and Organizer, "Forensic Psychiatry Unleashed: Practicing Course on Private Practice, "Forensic Psychiatry Report Writing"
1995, 1996, 1998	American Academy of Psychiatry and the Law Annual Meetings Course on Forensic Psychiatry, "Overview of the Judicial System"
<b>NATIONAL:</b>	
<b>PRESENTATIONS AT SCIENTIFIC AND PROFESSIONAL MEETINGS:</b>	
Member, California Commission on Peace Officers Standards and Training Committee on the Mentally III and Developmentally Disabled, 2001-2002	
Senior Reviewer, Mental Health Policies, Procedures, Conduct and Use of Force, United States Department of Justice Federal Consent Decree with Los Angeles Police Department, 2001-2002	
Invited Participant, Violence in the Workplace Symposium, National Center for the Analysis of Violent Crime, Federal Bureau of Investigation, June 2002	
Rosenberg Award for Outstanding Achievement in Forensic Mental Health, Forensic Mental Health Association of California, 2004	

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2004 "Forensic Aspects of Consultation-Liaison Psychiatry," San Francisco Society of Consultation-Liaison Psychiatrists

**PRESENTATIONS TO LAW ENFORCEMENT:**

1999 Paper, "Suicide by Cop: Issues in Outcome and Analysis"  
Suicide and Law Enforcement Conference  
Behavioral Science Unit, FBI Academy, Quantico, Virginia

2000 "Suicide by Cop: An Overview"  
Behavioral Sciences Unit  
San Francisco Police Department

2000 "Suicide by Cop: Decedent Profiles and Typology"  
Crisis Negotiation Team  
Oakland Police Department

2001-present "Major Mental Disorders, Cognitive Disorders and Personality Disorders"  
"Suicide by Cop"  
Crisis Intervention Training (training given quarterly)  
San Francisco Police Department

2002 "Suicide by Cop"  
Crisis Intervention Training  
San Jose Police Department

2004 "Post-traumatic Stress Disorder"  
Peer Counselor Training  
San Rafael Police Department

**CONTINUING MEDICAL EDUCATION COURSES ATTENDED:**

1992-present Attended sufficient continuing education courses to maintain licensure.

**PUBLIC SERVICE:**

1990-1991 Volunteer, "Physicians On-Call", WTVD (television), Raleigh, NC

1994-1995 Guest, "The Allen Stock Show", KSRO (radio), Santa Rosa, CA. Topics: Holiday Blues, Recovered Memory and False Memory Syndrome, National Depression Screening Day, Women in Medicine

1994-1995 Guest, Local Evening News, KFTY (television), Santa Rosa, CA. Topics: National Depression Screening Day, False Memory Syndrome Litigation

1994, 1995 Organizer, National Depression Screening Day, Sonoma County, CA

1996 Lecturer, "Women and Depression", Women's Health Fair, sponsored by Health Plan of the Redwoods, Santa Rosa, CA

2002-present Member, Board of Directors and Volunteer Clinician, West Coast Post-trauma Recital

**SERVICE TO PROFESSIONAL PUBLICATIONS:**

1995-1999	Bulletin of the American Academy of Psychiatry and the Law	Reviewer
1999-present	Journal of the American Academy of Psychiatry and the Law	Reviewer
2001-present	Journal of the American Academy of Psychiatry and the Law	Editorial Board

**ADMINISTRATIVE EXPERIENCE:**

1993-1994 Chair, Utilization Review Committee, CPC Redwoods Hospital, Santa Rosa, CA  
Responsible for overseeing utilization review protocols for inpatient psychiatric hospital.

1993-1995 Chief Financial Officer, Pacific Health Associates, AMC, a multi-disciplinary mental health group practice. Responsible for securing financing, accounting, payroll, and financial and tax reports.

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1995-1996 President, Pacific Health Associates, AMC. Responsible for developing and implementing marketing strategy, contract negotiations, oversight of other officers.

1996-2000 Clinical Chief, Santa Rosa VA Mental Health Clinic. Administrative and clinical responsibility for delivery of services by psychiatrists, psychologists, nurses, social workers, and primary care residents. Oversee 1450 active cases. Developed and implemented individual and group programs in PTSD, Substance Abuse, Affective Disorders, Psychotic Disorders, Pain Management and Medical-Psychiatric Liaison. Conduct quality improvement reviews. Prepare and administer Mental Health portion of overall clinic budget of \$272,500.

2000-2004 UCSF Psychiatry and the Law Program. Primary responsibility for developing and implementing criminal portion of curriculum and annual Criminal Mock Trial. Assist in civil and administrative curriculum development and implementation, recruitment and interview of fellowship applicants. Primary responsibility for development of Federal and State Court referral sources of criminal evaluations for faculty and forensic fellows. Primary responsibility for developing, implementing and maintaining billing and receivables accounting system and tracking system for fellows' cases. Assist in developing, implementing and maintaining records for maintenance of ACGME accreditation of program.

**TEACHING:**

Academic Year	Course	Nature of Contribution	Class Size
1992-2000	Supervision of Family Practice Residents on Behavioral Science Rotation, UCSF-affiliated Family Practice Residency, Sutter Hospital, Santa Rosa, CA	Supervision and teaching of assessment, psychopharmacology, psychiatric consultation-liaison, management of the high-utilizing patient.	1-2
1992-2000	Third year medical students, Family Practice rotation	Psychopharmacology, Personality Styles in Medical Practice	2-6
1993-2003	Family Practice Board Review Course, UCSF Department of Family and Community Medicine	Psychiatry Section	200-300
1998	PTSD Team Weekly Seminar San Francisco VAMC	Sexual Dysfunction in PTSD	15
1999	PTSD Team Weekly Seminar San Francisco VAMC	Insanity Defense Evaluations	15
2000	Grand Rounds Department of Psychiatry UCSF	Suicide by Cop	50
2000	Criminal Law Class University of California Hastings School of the Law	Insanity Defense Evaluations	50
2000-present	Didactic Seminar Psychiatry and the Law Program UCSF	Teach selected topics related to civil, criminal and consultative forensic psychiatry	5
2000-2004	Landmark Case Seminar Psychiatry and the Law Program UCSF	Teach criminal case curriculum	5
2000-2004	Forensic Case Conference Psychiatry and the Law Program UCSF	Case consultation to faculty and forensic fellows	5
2000-present	Tutorial on Civil and Criminal Cases Psychiatry and the Law Program	Supervision of forensic fellows	2



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2000-2004	UCSF Forensic Research Seminar Psychiatry and the Law Program UCSF	Consultation regarding program research	9
2002	Grand Rounds Department of Psychiatry	Playing Doctor: Physician Imposters	50
2002	Mental Health Law Course University of California Boalt Hall School of Law	Treatment Issues	30

#### UNDERGRADUATE AND MEDICAL SCHOOL RESEARCH:

1979-1981	Member, Duke University Goat Watching Society Sensory Dependent Development of Maternal/Neonatal Attachment		
1980-1981	Work/Study Student, Duke University Department of Biochemistry Assisted Frederick Schachar, Ph.D. with nematode physiology studies		
1982-1984	Laboratory Technician, University of North Carolina, Chapel Hill Department of Neuropharmacology, Laboratory of Richard Mailman, Ph.D. Characterized aspects of dopamine receptor binding using radioreceptor assays		
1984	Summer Research Intern, University of Vienna, Vienna, Austria Allgemeines Krankenhaus, Laboratory of Oleh Hornykiewicz, Ph.D. Radioligand tagging of benzodiazepines		
1985	Summer Research Intern, University of Groningen, Groningen, The Netherlands Department of Neuropharmacology, Laboratory of Haas Rollema, Ph.D. Characterized aspects of catechol-o-methyl transferase		

#### POSTGRADUATE RESEARCH:

1992	Evaluation of Competency in the Deaf Defendant		
1993-1995	Project Director, Medical Cost Offset Project, Health Plan of the Redwoods		
1999-present	Law Enforcement-related research in Suicide by Cop and mental health curriculum development		

#### ONLINE EXPERIENCE:

1994-1995	Host, ShrinkRap Women's Wire		
1994-1996	Guest, Mystery Writer's Forum, America Online		
1995-1996	Co-founder, Healix, Women's Wellness Community		

#### ORIGINAL ARTICLES:

- Mailman, RB, DeHaven, DL, Halpern (Keram), EA, Lewis, MH. Scram Effects Confound the Neuroleptic Radioreceptor Assay. Life Sci Mar 12; (11) 1057-1064, 1984
- Picotsky, II, Keram, EA, Drossman, DA. Building a Psychiatric-Medical Liaison: Observations of the Process. Psychiatr Med 10: 149-163, 1992
- Keram, EA. Physicians and Gender. Sonoma County Physician 44:5:20, 1993
- Keram, EA. Medical Cost Offset Program at HPR. Sonoma County Physician 45:5:25, 1994
- Keram, EA. Preparing for the Forensic Psychiatry Board Examination: How to Create an Effective Study Plan. AAPL Newsletter 23(2): 8-9, 1998

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Keram, EA, Ferrell, BJ. Suicide by Cop: Issues in Outcome and Analysis. Suicide and Law Enforcement, FBI Behavioral Science Unit, 2002

Giorgi-Guarnieri D, Janofsky J, Keram EA, Lawskey S, Merodith P, Mossman D, Schwartz-Watts D, Scott C, Thompson J, Zonana H, AAPL Practice Guideline for Forensic Psychiatric Evaluation of Defendants Raising the Insanity Defense. J Am Acad Psychiatry Law 30 (2 Supp): S1-40, 2002

Keram EA, The Insanity Defense and Game Theory: Reflections of Texas v. Yates. J Am Acad Psychiatry Law 30(4):470-473, 2002

Keram EA, Commentary: A multidisciplinary approach to developing mental health training for law enforcement. J Am Acad Psychiatry Law 33(1):47-9, 2005